HIGH COURT OF DELHI : NEW DELHI

Judgment reserved on : October 03, 2007
Judgment delivered on : October 29, 2007

W.P. (C) No. 3239/2007

Union of India & Ors ...Petitioner
! Through: Mr. H.K. Gangwani, Advocate

versus

$ Shri Dharam Raj Dinkar ...Respondent
^ Through: Mr. R.V. Sinha, Advocate

***CORAM:**

HON'BLE MR. JUSTICE A.K.SIKRI
HON'BLE MR. JUSTICE VIPIN SANGHI

1. Whether the Reporters of local papers may be allowed to see the judgment?

2. To be referred to Reporter or not?

3. Whether the judgment should be reported in the Digest?

VIPIN SANGHI,J.
:

1. The Union of India impugns the order passed by the Central Administrative Tribunal, Principal Bench, New Delhi (for short 'the Tribunal') passed in O.A.No.659/2006, filed by the respondent, whereby the Tribunal allowed his Original Application filed under Section 19 of the Administrative Tribunal Act . The Tribunal, inter-alia, directed the petitioner herein to refix the pay

of the respondent by reckoning the increments earned by him while working with temporary status, within a period of two months.

2. The respondent was initially appointed as a casual worker in April 1990. He was granted temporary status on 10.11.1997. He was thereafter appointed to a regular post of Peon with effect from 22.8.2005 vide order dated 1.9.2005. During the period that he was holding temporary status, the respondent earned yearly increments in the pay scale of Rs.750-940 (pre-revised) w.e.f. 10.11.1997. However when the respondent was regularised in service, the petitioner sought to fix his pay at the minimum stage of the pay scale of Rs.2,550-3200 i.e. at Rs.2,550/- per month w.e.f. 22.8.2005 thereby taking away the annual increments earned by the respondent over a period of eight years in temporary capacity. This was challenged by the respondent before the Tribunal in the aforesaid O.A.

3. The Tribunal relying on its earlier decisions in ***M.K.Rajan & Ors, V. Union of India*** in O.A. 606/2001 decided on 12.10.2001, in respect of which the special leave petition, being SLP (Civil No.11667/02) was dismissed on 4.8.2003, & ***Nathu Singh & Ors. V. Union of India & Ors***, 2002(1) ATJ8 and ***Giriraj Sharma v. UOI & Ors,*** O.A. No.65 of 2005, decided

on 2.9.2005 allowed the aforesaid O.A.

4. Our attention has been drawn to two orders of this Court in W.P(C)11884/2005, ***UOI v. Kailash Chand & Ors.,*** and in W.P. (C) No.2317/2002, ***UOI v. Nathu Singh & Ors.*** whereby similar writ petitions filed by the UOI have been dismissed by this Court. While dismissing the writ petitions, the Division Bench of this Court took note of the fact that the Kerala High Court had taken a similar view as taken by the Tribunal in those cases, and the Supreme Court had also dismissed the special leave petition against the judgment of the Kerala High Court. In fact the judgment of the Kerala High Court has even been implemented.

5. Following the aforesaid decisions of this Court, we find no merit in this petition and dismiss the same.

VIPIN SANGHI
JUDGE

A.K. SIKRI
JUDGE

October 29, 2007
P.K. BABBAR